

Shahjada Rahimatulla Khan .. Appellant

versus

Municipal Corp.of Gr.Bombay .. Respondent

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Mrs.Geeta Jogalekar for the respondent.

DATED : 27th November 2006

P.C.:

1. This appeal is directed against the order of the City Civil Court declining to grant ad-interim relief pending the hearing of the motion. In my view, the trial Judge has given good reasons for refusing the ad-interim relief. The appellant had filed two suits earlier. The first suit was withdrawn. The second suit has been dismissed for non prosecution. This is a third suit for

same or similar reliefs.

2. In the circumstances, the trial Judge was right in declining to grant ad-interim relief pending the hearing of the motion especially when the second suit was dismissed for non prosecution.

3. In any event, the motion is made returnable on 5th December 2006. The appellant is free to move the trial court for early hearing of the motion. With this observation, appeal is dismissed.

(D.G. KARNIK, J)